

**MEMO ENDORSED**

U.S. DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 06/11/2022
--

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

§

V.

§

Criminal No. 21-CR-603

SOPHIA CHAVEZ

§

Hon. Judge Valerie Caproni

§

**DEFENDANT'S MOTION TO APPEAR REMOTELY FOR ARRAIGNMENT OR  
ALTERNATIVELY, MOTION FOR CONTINUANCE OF ARRAIGNMENT**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the Defendant, SOPHIA CHAVEZ, by and through his undersigned counsel and files this Motion requesting this Court to allow Defendant and Counsel to appear remotely for her Arraignment hearing or, in the alternative, requests this Court to continue her arraignment hearing until the week of June 27, 2022. In support of said motion, Defendant would show unto the Court as follows:

**I.**

Ms. Chavez was arrested on May 27, 2022 in the Eastern District of Texas, where she resides. On May 31, 2022, Defendant appeared alongside undersigned counsel before United States Magistrate Judge Kimberly Priest Johnson, at which time she was released on Signed Conditions of Release. On June 9, 2022, Defendant was presented with undersigned counsel before United States Magistrate Judge Barbara Moses via telephonic hearing. At that time, Ms. Chavez was again ordered released on conditions set by Magistrate Judge Moses. During both proceedings, Ms. Chavez confirmed on the record and under oath that she had received a copy of the Fourth Superseding Indictment (S4), had gone over same with counsel, fully understood the nature of the allegations and charges contained therein, including the applicable range of

punishment associated with the charges. Ms. Chavez is set for an arraignment hearing before this honorable Court on Thursday, June 16, 2022 at 3:30 p.m.

## II.

Both Defendant and her counsel are located and reside in the Eastern District of Texas. She is an individual with limited financial means. She works full-time to support herself at a small, family-owned dental practice. Given the financial burden that would be placed on Ms. Chavez in travelling to New York in person, not only with the cost of travel but also the missed time from work, as well as the concern with Ms. Chavez, as an asthmatic, travelling during the ongoing COVID-19 pandemic, undersigned counsel respectfully requests this Court to exercise its discretion granted to it pursuant to the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), to authorize and allow for this proceeding to be conducted remotely, either via videoconference or telephonic conference. Ms. Chavez would voluntarily consent to this authorization and would further gladly execute a waiver of arraignment in which she would swear and affirm, under penalty of perjury, the following:

- (1) Defendant has received a copy of the Fourth Superseding Indictment in this case.

Defendant understands the nature and substance of the charges contained therein, the maximum penalties applicable thereto, and her constitutional rights, after being advised of all the above by her attorney.

- (2) Defendant understands she has the right to appear personally with her attorney before a judge for arraignment in open court on this accusation. Defendant further understands that, absent the present waiver, she will be arraigned in open court at the time and date previously designated.

(3) Defendant, having conferred with her attorney in this regard, hereby waives personal appearance, with her attorney at the arraignment of this case and the reading of the Indictment, and by this instrument, tenders her plea of “not guilty”. The defendant understands that entry by the court of said plea for defendant will conclude the arraignment in this case for all purposes.

(4) Defendant understands that she has a right to a minimum period of time to trial so that trial shall not commence less than 30 days from the date on which the defendant first appears though counsel or expressly waives counsel and elects to proceed pro se.

III.

In the alternative, if this Court denies the above request, Defendant, by and through undersigned counsel, would respectfully request this Court to continue the arraignment setting for two (2) weeks, and reset the arraignment to a date during the week of June 27, 2022. Doing so would allow Ms. Chavez additional time to secure funding for her travel as well as request time off of work.

IV.

On June 9, 2022, undersigned counsel conferred with the AUSA Ryan Finkel on the contents of this motion, who represented that the Government takes no position on the issue of remote appearance but will instead defer to the discretion of this Court. The Government is not opposed to a continuance of this setting, so long as the arraignment is conducted prior to the next scheduled Status Hearing in this case, which is currently set for July 7, 2022.

V.

WHEREFORE, PREMISES CONSIDERED, the Defendant respectfully requests this Honorable Court to grant this Motion and authorize that Defendant Sophia Chavez may appear

remotely for her arraignment hearing currently set for July 16, 2022. In the alternative, the Defendant respectfully requests this Court to continue that hearing for two (2) weeks and reset the arraignment for a date during the week of June 27, 2022.

Respectfully submitted,

WHALEN LAW OFFICE

/s/ James P. Whalen  
JAMES P. WHALEN  
TEXAS BAR CARD NO. 00794837  
9300 John Hickman Parkway, Suite 501  
Frisco, Texas 75035  
Telephone: (214) 368-2560  
Facsimile: (972) 829-8654  
[jwhalen@whalenlawoffice.com](mailto:jwhalen@whalenlawoffice.com)

COUNSEL FOR DEFENDANT  
SOPHIA CHAVEZ  
ADMITTED PRO HAC VICE TO THE  
SOUTHERN DISTRICT OF NEW YORK

/s/ Ryne T. Sandel  
RYNE T. SANDEL  
TEXAS BAR CARD NO. 24081689  
9300 John Hickman Parkway, Suite 501  
Frisco, Texas 75035  
Telephone: (214) 368-2560  
Facsimile: (972) 829-8654  
[rsandel@whalenlawoffice.com](mailto:rsandel@whalenlawoffice.com)

COUNSEL FOR DEFENDANT  
SOPHIA CHAVEZ  
ADMITTED PRO HAC VICE TO THE  
SOUTHERN DISTRICT OF NEW YORK

**CERTIFICATE OF CONFERENCE**

I hereby certify that on the 9th day of June 2022, undersigned counsel contacted the Assistant United States Attorney in charge of this case, Ryan Finkel, who advised that the Government takes no position on the issue of remote appearance but will defer to this Court. The Government is unopposed to a continuance of this setting so long as it occurs prior to July 7, 2022.

/s/ Ryne T. Sandel  
RYNE T. SANDEL

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing Motion was filed with the Court and delivered to the Assistant United States Attorney in charge of this case, Ryan Finkel, via ECF on the 10<sup>th</sup> day of June, 2022.

/s/ Ryne T. Sandel  
RYNE T. SANDEL

Ms. Chavez's request that the arraignment be held remotely is DENIED. Ms. Chavez's alternative request, that the arraignment be adjourned by two weeks, is GRANTED. The arraignment, currently scheduled for Thursday, June 16, 2022 at 3:30 P.M., is adjourned to **Wednesday, June 29, 2022 at 1:00 P.M.** The arraignment will be held in Courtroom 443 of the Thurgood Marshall United States Courthouse, located at 40 Foley Square, New York, New York 10007. The Court is somewhat flexible with respect to which date and time that week the Court will hold the arraignment. If scheduling the arraignment on a different day or time that week is more cost effective for Ms. Chavez, Defense counsel is welcome to request that the Court move the proceeding on that basis.

SO ORDERED.

A handwritten signature in blue ink, appearing to read "Valerie Caproni", is written over the printed name.

Date: June 11, 2022

HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE